

**BEFORE THE STATE BOARD OF MEDIATION  
STATE OF MISSOURI**

AMERICAN FEDERATION OF TEACHERS,	)	
LOCAL UNION NO. 420, AFT, AFL-CIO,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Public Case No. 79-020
	)	
ST. LOUIS BOARD OF EDUCATION,	)	
	)	
Respondent,	)	
	)	
and	)	
	)	
ASSOCIATION OF EDUCATION SECRETARIES,	)	
ST. LOUIS, MISSOURI,	)	
	)	
Intervenor.	)	

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND DECISION**

**FINDINGS OF FACT**

This case appears before the Missouri State Board of Mediation upon American Federation of Teachers, Local 420, AFT, AFL-CIO, (hereinafter referred to as "Petitioner"), filing with this Board a Petition for Certification as exclusive bargaining representative for a unit composed of teachers and non-teachers, all within the employment of the St. Louis Board of Education, (hereinafter referred to as "Respondent"). An Association of Education Secretaries intervened and opposed the petition at bar.

The State Board of Mediation has jurisdiction to hear and decide this matter under Section 105.525, RSMo 1969, which states in pertinent part:

Issues with respect to appropriateness of bargaining units and majority representative status shall be resolved by the state board of mediation.

On July 9, 1979, in the St. Louis County Administration Building in Clayton, Missouri, the representatives of the respective parties met at a hearing before the State Board of Mediation to present evidence. The matter was to be heard by a panel of three members from the Board, said panel being composed of one employer member, one employee member, and the Chairman, a neutral member. However, upon an admission by Petitioner that it was the intent of Petitioner to commingle teachers and non-teachers within the same unit and upon a motion by Respondent to dismiss the petition on the ground that it would be against the law and public policy of the State of Missouri for this Board to certify as an exclusive bargaining representative a labor organization the membership of which consists of teachers of Missouri schools, the case was dismissed.

### **CONCLUSIONS OF LAW**

Section 105.510, RSMo. 1969, states:

Employees, except police, deputy sheriffs, Missouri state highway patrolmen, Missouri national guard, all teachers of Missouri schools, colleges and universities, of any public body shall have the right to form and join labor organizations... (Emphasis added.)

It is the position of this Board that a bargaining unit composed of both teachers and non-teachers is per se inappropriate. Section 105.510, RSMo, 1969, set out above in pertinent part, specifically excludes teachers from those public employees which have the right to organize. Consequently, it would be contrary to the law of the State of Missouri for this Board to condone the formation of a bargaining unit such as that sought by Petitioner.

### **DECISION**

It is the decision of the State Board of Mediation that the petition of Petitioner (American Federation of Teachers, Local 420, AFT, AFL-CIO) be denied and the case dismissed.

Entered this 17th day of August, 1979.

STATE BOARD OF MEDIATION

(SEAL)

/s/ Conrad L. Berry  
Conrad L. Berry, Chairman

/s/ Robert Missey  
Robert Missey, Employee Member

/s/ Harry R. Scott  
Harry R. Scott, Employer Member